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March 23, 2017

Honorable Thérèse W. Dancks
United States Magistrate Judge
Federal Building and U.S. Courthouse
P.O. Box 7346
Syracuse NY 13261-7346

VIA ECF

Re: *Deferio v. City of Syracuse, et al*
Northern District of New York 16-CV-0361 (LEK/TWD)

Dear Judge Dancks:

I write this in response to Defendants' Letter Motion regarding notecards Plaintiff referenced during his deposition. Please know we have sent copies of the cards to opposing counsel this morning.

During the deposition, Defendants demanded that Plaintiff immediately produce the cards, claiming they should have been disclosed pursuant to their earlier document demands. However, the cards are not responsive to any of Defendants' document demands, as illustrated by their failure to specify a single one in their letter motion. Consequently, Plaintiff did not disclose them to counsel prior to the deposition. I was not personally aware of their existence prior to their disclosure during the deposition.

Contrary to the suggestion, Plaintiff did not attempt to revise of the cards in any manner. Rather, he made a jest to complete the cards. I personally took possession of the cards after the deposition, and can attest that no alterations, revisions, additions, or otherwise have been made to the cards, and they have been preserved in the exact same condition as during the deposition.

Having returned to the office and reviewed the cards to determine whether any privileged or work product information was contained therein, I produced photocopies of the cards to opposing counsel in their same condition as during the deposition.

Sincerely yours,

s/Mark A. Mangini
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MAM

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